

REMARKS

Claims 1-18 are pending in this application, as amended in a preliminary amendment submitted along with the national stage filing under 35 U.S.C. § 371 of International Application No. PCT/JP2003/011318 on March 4, 2005 . After claim amendments and cancellations herein, claims 8-16 will remain in this application and under consideration.

In the Office Action dated March 27, 2006, the Examiner stated that Applicants are required to restrict the application to one of the following three (3) two groups of inventions:

- I. Claims 1-7 and 14-15, drawn to the special technical feature of an antibody product against an N-terminal peptide of GPC 3;
- II. Claims 8-13 and 16, drawn the special technical feature of an antibody product against a C-terminal peptide of GPC 3; and
- III. Claims 17 and 18, drawn to the special technical feature of a method for inducing cytotoxicity in a cancer cell with the antibody of Group II.

According to the Examiner, the inventions of groups I-III do not relate to a single general inventive concept under Patent Cooperation Treaty Rules 13.1 and 13.2 because they lack the same or corresponding special technical features, in view of the fact that the technical linking feature of Groups I-III, antibodies generated against N-terminal or C-terminal portions of GPC 3, does not define a contribution over the prior art because it was taught in the Cappuro et al. publication.

Applicants first point out to the Examiner that pending Claim 14 contains a typographical error. Claim 14 as presently drafted to a cell disrupting agent depends from claim 7 (originally it depended from claims 7-13), but should properly depend from claim 8 (the claim originally should have depended from claims 8-13). Applicants have amended claim 14 to correct this improper dependency.

In view of the amendment to claim 14, Applicants respectfully advise the Examiner of their understanding that the three (3) groups of inventions into which he has divided the claims should instead be the following:

- I. Claims 1-7, drawn to the special technical feature of an antibody product against an N-terminal peptide of GPC 3;
- II. Claims 8-16, drawn the special technical feature of an antibody product against a C-terminal peptide of GPC 3; and
- III. Claims 17 and 18, drawn to the special technical feature of a method for inducing cytotoxicity in a cancer cell with the antibody of Group II.

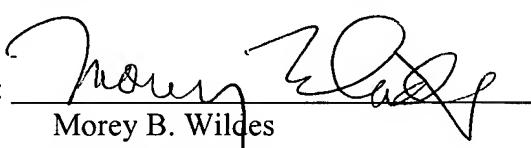
In response to the restriction requirement, Applicants elect invention Group II, i.e., claims 8-16, drawn the special technical feature of an antibody product against a C-terminal peptide of GPC 3, for prosecution herein, and Applicants have canceled claims 1-7, 17 and 18 without prejudice to their right to reintroduce these claims at a later date or in a divisional application.

Conclusion

Reconsideration of the present application, as amended, is respectfully requested. If the Examiner has any questions or concerns regarding this response and amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 
Morey B. Wildes
Reg. No. 36,968

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, NY 10018
(212) 736-1940